

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Filing )  
Requirements for 2013 Pertaining to the ) Case No. 13-1115-TP-COI  
Provisioning of High-Cost Universal )  
Service. )

FINDING AND ORDER

The Commission finds:

- (1) On May 7, 1997, the Federal Communications Commission (FCC) issued a Report and Order in CC Docket No. 96-45 (96-45) (*In the Matter of Federal-State Board on Universal Service*) adopting rules to promote universal service consistent with the requirements of the Telecommunications Act of 1996 (1996 Act). In its 96-45 decision, the FCC, among other things, set forth parameters for the states to determine those carriers eligible to receive federal universal service support. The states were further to determine those carriers that should be classified as rural carriers or non-rural carriers for the purpose of federal universal service support consistent with the Communications Act of 1934, as amended.
- (2) On May 23, 2001, the FCC released its Fourteenth Report and Order and Twenty-Second Order on Reconsideration in CC Docket No. 96-45, and determined that states should be responsible for deciding whether rural carriers are using their universal service high-cost support, consistent with 47 U.S.C. §254(e). Under 47 U.S.C. §254(e), carriers must use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." Accordingly, the FCC stated that it would require the states that wish to receive federal universal service high-cost funding support for rural carriers within their boundaries to file a certification with the FCC and the Universal Service Administrative Company (USAC) stating that all federal high-cost funds flowing to those carriers in that state will be used in a manner consistent with 47 U.S.C. §254(e). Absent such certification, carriers will not receive such support. Moreover, in the event that a state determines that a carrier has not complied with 47 U.S.C. §254(e), the state shall have the authority to revoke a carrier's certification.

- (3) On November 18, 2011, the FCC released a Report and Order in WC Docket No. 10-90 (10-90), et al., that among other things comprehensively reformed the federal universal service support program. In its 10-90 Report and Order, the FCC required states to certify that all federal high-cost and Connect America Fund support was used in the preceding year and will be used in the coming calendar year for the provision, maintenance, and upgrading of facilities and service for which the support is intended, regardless of the rule under which that support is provided. The certification required pursuant to 47 C.F.R. 54.314 is due by October 1 of each year, commencing on October 1, 2012, for carriers to be eligible to receive support in each quarter of the succeeding year. On August 6, 2013, the FCC announced a revised filing deadline of December 16, 2013, for certification pursuant to section 47 C.F.R. 54.314.
- (4) In order to comply with the FCC's certification requirements, and consistent with Rule 4901:1-6-09(C), Ohio Administrative Code, on October 30, 2013, the Commission released an entry in the instant docket calling for notarized affidavits from those rural carriers presently receiving federal universal service high-cost funding in Ohio, attesting that they will utilize such support consistent with 47 U.S.C. §254(e). Pursuant to the entry, each Ohio high-cost eligible telecommunications carrier (ETC) that anticipates funding for calendar year 2014 from any high-cost support mechanism was required to complete and file with the Commission in this proceeding a notarized copy of the affidavit form (Attachment A of the Entry of October 30, 2013) on or before November 15, 2013. Without such certification, the FCC will not permit carriers to continue to receive federal universal service support. Accordingly, properly filed affidavits were received from the following carriers:
- Frontier North Inc.  
Windstream Ohio  
Windstream Western Reserve  
United Telephone Company of Ohio d/b/a  
CenturyLink
- (5) The Commission's Staff has reviewed the affidavits submitted by the aforementioned companies, and has concluded that they

satisfy the FCC's requirements for certification to receive high-cost funding consistent with 47 U.S.C. §254(e).

- (6) The Commission finds that certification of the aforementioned carriers to receive federal high-cost support, as well as high-cost loop support [47 C.F.R., Part 36], local switching support [47 C.F.R. 54.301], and any high-cost support received as a result of a purchase of exchanges [47 C.F.R. 54.305] for rural carriers, should be granted.

It is, therefore,

ORDERED, That all carriers identified in Finding (4) above are hereby certified to the FCC and USAC as being eligible to receive federal high-cost support, as well as high-cost loop support [47 C.F.R., Part 36], local switching support [47 C.F.R. 54.301], and any high-cost support received as a result of a purchase of exchanges [47 C.F.R. 54.305] for rural carriers, as such carriers have demonstrated their intent to utilize such funding in a manner consistent with 47 U.S.C. §254(e). It is, further,

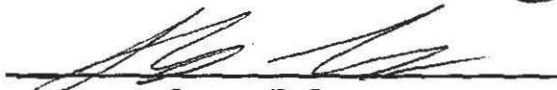
ORDERED, That the Commission send a letter to USAC and the FCC by December 16, 2013, certifying the carriers as being eligible to receive federal high-cost support for 2014. It is, further,


ORDERED, That nothing contained in this Finding and Order shall be deemed binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Ohio Telecom Association.

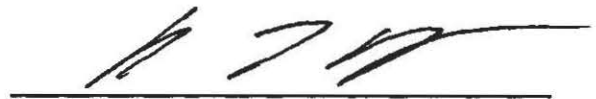
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Lynn Slaby

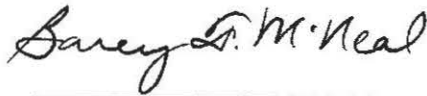
  
M. Beth Trombold

  
Asim Z. Haque

JSA/vrm

Entered in the Journal

**DEC 11 2013**



Barcy F. McNeal  
Secretary